

1 PHILLIP A. TALBERT
2 United States Attorney
3 JESSICA A. MASSEY
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099
5

6 Attorneys for Plaintiff
United States of America
7
8

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 ANTHONY MINOR,
15 Defendant.

CASE NO. 1:22-CR-00177-DAD-BAM
REQUEST TO PLACE MATTER ON CALENDAR
AND STIPULATION REGARDING
EXCLUDABLE TIME PERIODS UNDER SPEEDY
TRIAL ACT; FINDINGS AND ORDER
CURRENT DATE: January 17, 2023 (off calendar)
TIME:
COURT: Hon. Barbara A. McAuliffe

17 STIPULATION

18 1. By previous order, this matter was set for a further hearing on defendant's motion to
dismiss (Doc. 43) on January 17, 2023. Doc. 62, 63. Time was excluded until that date. Doc. 62.

20 2. On January 13, 2023, the Hon. Ana de Alba issued an Order denying defendant's motion
to dismiss (Doc. 64) and ordered the matter be taken off calendar. Doc 65.

22 3. The parties now request the Court calendar this matter for a status conference on January
23 25, 2023, and hereby agree and stipulate that time shall be excluded from January 17, 2023, to the new
24 status conference date of January 25, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
25 T4].

26 4. The parties anticipate that this matter will resolve with a plea agreement. If defendant
ultimately does not enter a guilty plea and decides to proceed to trial, the parties agree and stipulate, and
28 request that the Court find the following:

- 1 a) The government asserts that discovery has been provided to counsel. The
2 government is aware of its ongoing discovery obligations.
- 3 b) The government will provide an updated plea agreement to counsel on today's
4 date.
- 5 c) Counsel for the defendant desires additional time to consult with his client, to
6 review the current charges, to conduct investigation and research related to the charges, to review
7 and/or copy discovery for this matter, to discuss potential resolutions with his client, to prepare
8 pretrial motions, and to otherwise prepare for trial.
- 9 d) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny them the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence.
- 12 e) The government does not object to the continuance.
- 13 f) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.
- 16 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of January 17, 2023 to January 25,
18 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
19 T4], because it results from a continuance granted by the Court at defendant's request on the
20 basis of the Court's finding that the ends of justice served by taking such action outweigh the
21 best interest of the public and the defendant in a speedy trial.

22 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
24 must commence.

25
26 IT IS SO STIPULATED.
27
28

1 Dated: January 17, 2023

PHILLIP A. TALBERT
United States Attorney

2
3 Dated: January 17, 2023

4
5 /s/ JESSICA A. MASSEY
6 JESSICA A. MASSEY
7 Assistant United States Attorney

8
9 Dated: January 17, 2023

10 /s/ GRIFFIN ESTES
11 GRIFFIN ESTES,
12 Counsel for Defendant
13 ANTHONY MINOR

14 **ORDER**

15 IT IS SO ORDERED that a status conference is set for **January 25, 2023, at 1:00 p.m.** before
16 **Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A),
17 B(iv).

18 IT IS SO ORDERED.

19 Dated: January 18, 2023

20 /s/ Barbara A. McAuliffe

21 UNITED STATES MAGISTRATE JUDGE